RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS

A PROFESSIONAL CORPORATION ATTORNEYS AND COUNSELORS AT LAW THE PARAGON BUILDING SUITE 101 5801 BROADWAY EXTENSION OKLAHOMA CITY, OKLAHOMA 73118-7489 (405) 843-9909 Fax (406) 842-2913

J LYCH HOSEMPÄRÖ
ROMET A HANGE
RANTI LINAL

T

7

STATE A STATE OF THE PROPERTY OF THE PROPERTY

COLOR ALBERTY
CO

July 14, 2008

Office of the General Counsel Federal Election Commission 999 E Street, N W Washington, D C

Re Federal Election Commission, MUR #6028

Dear General Counsel

Our law firm represents W A Drew Edmondson, Attorney General of Oklahoma ("Edmondson") in the above-numbered matter. This letter is sent on behalf of Mr Edmondson in response to the complaint filed by Richard Engle. Without hesitation or reservation, Mr. Edmondson denies violating any provision of the Federal Election Campaign Act of 1971, as amended ("Act") or any rule or regulation adopted by the Federal Election Commission ("Commission")

The complaint alleges a violation of 2 USC § 441f of the Act and the corresponding rule of the Commission, 11 CFR § 110.4 Section 441f of the Act states "[N]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person "Section 110.4 of the Commission's rules and regulations mirrors the language in Section 441f and promulgated additional language that prohibited any person from knowingly helping or assisting any person in making a contribution in the name of another 11 CFR § 110.4(iii)

As cited in the April 16, 2007 letter Mr. Edmondson sent to the Oklahoma Ethics Commission (see Attachment 1), he made personal checks to Brad Carson for the U.S. Senate in the amount of \$250.00 and Dan Boren for the U.S. Congress in the amount of \$100.00 that were reimbursed by the Edmondson for Attorney General 2006 Campaign No person other than Mr. Edmondson provided the funds for these checks. Edmondson obtained reimbursement for these checks from his own campaign committee after the personal checks were written and delivered to these campaigns and because the checks were written for events which he personally attended. He believed reimbursement was proper under Oklahoma law as reimbursements for expenses for

"political activity" are permitted under the Oklahoma Administrative Code ("OAC") 257 10-1-20(s) (1) (c) A concern was raised in light of OAC 257 10-1-2(f) (1) which prohibited a principal candidate campaign or authorized committee of a person from making a contribution or transfer to another candidate. Mr. Edmondson wrote that he "now understands that the prohibition under 257 10-1-2(f) (1) takes precedence over the permissive language on expenditures." From his own personal funds, Edmondson reimbursed his own Edmondson for Attorney General 2006 Campaign in full

The complaint incorrectly assumes that the language in OAC 257 10-1-2(f) (1) is synonymous with the language in Section 441f of the Act Obviously, the Commission is concerned with the language in Section 441f of the Act and whether the activities of Mr Edmondson, as outlined in his April 16, 2008 letter to the Oklahoma Ethics Commission, constitute a violation of the Act and corresponding rules and regulations of the Commission Those activities of Mr Edmondson do not constitute a violation of the Act and corresponding rules and regulations of the Commission

Section 441f of the Act prohibits, in pertinent part, one person from making a contribution in the name of another person. This section is known as the "anti-conduit" provision of the Act. In Manani v. U.S., 212 F 3d 761 (3rd Cir. 2000) the Third Circuit Court of Appeals found that the "[P]roscription of conduit contributions (with the concomitant requirement that the true source of contributions be disclosed) would seem to be at the very core of the Court's analysis." Id at 775 The "Court's analysis" discussed the purpose behind the disclosure requirement which is to provided the electorate with information as to where political campaign money comes from and how it is spent in order to aid the voters in evaluating those who seek federal office

The facts in this matter clearly demonstrate that compliance by Mr. Edmondson with Section 441f and its underlying purpose had been fulfilled. The initial contributions made to the Carson and Boren campaigns were made with personal checks from Drew Edmondson. These contributions were made in the name of Drew Edmondson. Mr. Edmondson assumes that the Carson and Boren campaigns listed such contributions as coming from Mr. Edmondson. The electorate was provided with the information required.

That Mr Edmondson was reimbursed by the Edmondson for Attorney General 2006 Campaign does not alter the fact that the contribution was not made in the name of another person. Mr Edmondson made the contribution by personal check to each campaign. Reimbursement by his Edmondson for Attorney General 2006 Campaign was made to Mr Edmondson because such activities were in conjunction with "political activities" and reimbursement was not made for the purpose of making the initial contribution. The electorate would know that such contributions came from Mr Edmondson and not another person. The source of the contribution was disclosed to the public.

The activities of Mr Edmondson as alleged in the complaint and outlined in the April 16, 2008 letter to the Oklahoma Ethics Commission do not constitute a violation of the Federal Election Campaign Act or corresponding rules and regulations of the Federal Election Commission On behalf of the Mr Edmondson, we respectfully request that the Federal Election Commission dismiss with prejudice the above-numbered complaint

Syricerely,

Richard A Mildren

April 16, 2007

1

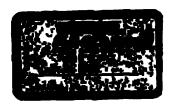
Me. Marilyn Flughen Executive Director State Ethics Commission State Capstol Okishome City, Okishoma

Door Ma. Hughter:

Based upon a recent equivamention with you, I have determined that my interpretation of the othics miss has been incorrect in a specific regard and that my compaign, in the MD6 election cycle, has made one expenditure and a number of reindirefrances which were not proper. With that determination I have this date made a relief to the compelign for the following expenditures/rembusesments:

- 1. April 1, 2004, personal check to the Okishoma House PAC reimbersed by the comparing in the amount-of \$109.00.
- 2. April 5, 2004, personal check to Brail Casson for Scorts reimbursed by the compalga in the amount of \$250.00.
- 3. Jeno 3, 2004; possessed their to the July McMathen openpalgenreinshaused by the encapsign in the expount of \$400.00.
- 4. January 25, 2005, personal checks to the Jeary McPenk sumpaign and the Ryan Kicsel campaign for \$100.00 each, reimbursed by the campaign in the amount of \$200.00
- 5 April 5, 2005, personal check to the Oklahoma House PAC reimbursed by the campaign in the amount of \$100.00
- 6 April 5, 2005, personal check to Scattle Democrate reimbursed by the comparign in the amount of \$100.00.
- 7 July 29, 2005, personal check to the Scott Meacham, campaign relationseed by the campaign in the amount of \$250.00

P. O. BOX 18928 • OKLAHOMA CITY, OK 73154 Phone 405 521-1385 PAX 405 521-1398 HOTTENTED AT STATE REPORTS



- 8. August 22, 2005, personal check to Boren for Congress reimbursed by the campaign in the amount of \$100.00.
- 9. February 2, 2006, personal checks to the campaigns of Jerry Shoemake, Dale Tumer and Jerry McPeak for \$100.00 each reimbursed by the campaign in the amount of \$300.00.
- 10. April 22, 2006, personal check to the Frank Shunden campaign for a retirement roast rembursed by the campaign in the amount of \$200,00.
- 11. May 25, 2006, personal check to the Jeff McMahan campaign reimbursed by the campaign in the amount of \$150.00.
- 12 August 25, 2006, personal check to the Jennifer Scal campaign reimbursed by the campaign in the amount of \$100.00.

All of the above expenditures and reimbursements involved events which I personally attended for the purpose of meeting people, particularly potential contributors. The campaign falt at the time that the reimbursements were permitted under 257:10-1-20.(a)(1)(c) as a reimbursement "for political activity." I now understand that the prohibition under 257:10-1-2(f)(1) takes precedence over the permissive language on expenditures.

All of the candidates listed above received personal checks and not campaign checks. No candidate would have known that my campaign would be reimbursing me for the event cost.

13 May 5, 2005, campaign check to the Jeff McMahan campaign for registration in a solf tournament in the amount of \$500.00.

While this also represented an event I attended for my own campaign purposes the use of a campaign check was not proper. This is the only instance where the Edmondson campaign directly wrote a check to another campaign account.

The reimbursements I received from the formation of the 2006 campaign in January 2004 to date total \$2,750.00. I have, this date, written a personal check to the Edmondson for Attorney General 2006 campaign account in that amount to fully refund these reimbursements. We will also be filling one or more amended reports to reflect this action.

If you or the Commission require my additional information about these transactions pieces let me know. Thank you for your assistance and advice in the matter.

Smoorely,

W. A Drew Edmondson Attorney General